

9 FAM 42.32(D)(8) NOTES

(CT:VISA-673; 01-14-2005)
(Office of Origin: CA/VO/L/R)

9 FAM 42.32(D)(8) N1 BACKGROUND

(TL:VISA-332; 11-15-2001)

Public Law 106-536 amended the INA by adding a new special immigrant classification (BC) for international broadcasting employees who are seeking visas to enter the United States to work as:

- (1) A broadcaster in the United States for the International Broadcasting Bureau of the Broadcasting Board of Governors (BBG), or
- (2) For a grantee of the BBG.

9 FAM 42.32(D)(8) N2 QUALIFYING UNDER INA 101(A)(27)(M)

(TL:VISA-394; 04-12-2002)

To qualify as a special immigrant under INA 101(a)(27)(M), an applicant must:

- (1) Be the beneficiary of an approved fourth preference petition Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant;
- (2) Provide *a signed and dated* attestation from the BBG or its grantee which reflects:
 - (a) The job title and a full description of the job to be performed;
 - (b) The experience held by the alien broadcaster;
 - (c) The number of years the alien has been performing duties that related to the prospective position;
 - (d) That hiring the alien broadcaster is in compliance with other laws governing employment and discrimination prevention; and
 - (e) The terms of the job are not contrary to any Federal, State, or local law.

9 FAM 42.32(D)(8) N3 DEFINITIONS

9 FAM 42.32(d)(8) N3.1 Defining Broadcaster

(CT:VISA-673; 01-14-2005)

For the purposes of this visa, the *Department of Homeland Security (DHS)* defines "*broadcaster*" as an alien intending to work in the United States for the BBG or a BBG grantee as a:

- (1) Reporter;
- (2) Writer;
- (3) Translator;
- (4) Editor;
- (5) Producer or announcer for news broadcasts;
- (6) *Host* for news broadcasts, news analysis, editorial and other broadcasts features, or
- (7) News analysis specialist.

The definition does not include aliens seeking technical positions with the BBG.

9 FAM 42.32(d)(8) N3.2 Defining BBG Grantee

(TL:VISA-332; 11-15-2001)

For the purposes of this section BBG grantee means:

- (1) Radio Free Asia, Inc (RFA); and
- (2) Radio Free Europe/Radio Liberty, Inc. (RFE/RL).

9 FAM 42.32(D)(8) N4 PETITION

(CT:VISA-673; 01-14-2005)

If the BBG or a BBG grantee *wishes* to employ *an* alien who seeks to enter the United States under INA 101(a)(27)(M) they must file the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant with the *DHS Nebraska* Service Center.

9 FAM 42.32(D)(8) N5 DETERMINING A PRIORITY DATE

(TL:VISA-332; 11-15-2001)

The priority date of a petition for classification under INA 101(a)(27)(M) is the date the completed application, including all supporting documentation

and the designated fee, is signed and properly filed with the Nebraska Service Center.

9 FAM 42.32(D)(8) N6 NUMERICAL LIMITATION

(TL:VISA-332; 11-15-2001)

The law limits the number of broadcasters to no more than 100 in any fiscal year. This excludes spouses and children who are not limited in number.

9 FAM 42.32(D)(8) N7 ACCOMPANYING SPOUSES AND CHILDREN

(TL:VISA-332; 11-15-2001)

Spouses and children, if accompanying the principal alien, may be granted derivative status. (See 22 CFR 40.1(a)(1) for the definition of accompanying.)